

## **ALCOHOL COMPROMISE LANGUAGE**

(Language will be in both HB 347 Rep. Hughes and SB 187 Sen. Valentine bills)

### **Club Reform**

- Eliminate membership and membership fee requirement for dining clubs (formerly class C clubs) and social clubs (formerly class D clubs)
- Allow optional cover charge or membership list for dining clubs and social clubs
- Electronic verification for those appearing to be 35 years of age or younger
  - Verification upon ordering alcohol in dining club and upon entering in a social club
  - Display no more than name, age, ID #, birth date, gender and expiration date of document
  - Retain 7 days on premises
  - Security measures implemented
  - Disclosed only as permitted by law
- No minors permitted in social clubs
- No net increase or decrease in quota of licenses
- Flat fee rather than graduated fee for annual club license renewals
- Person leasing/renting club licensed premises for private event held to same standard as licensee
- Prohibits permits of future dance or concert halls that allow mixing of adults and minors on premises
- For equity and fraternal clubs, simplifies guest hosting process and visitor cards
- Modifies reporting requirements

### **Restaurants**

- Floor plans
  - Grandfathered bar structure that has glass wall or other partition or no patron seating that currently exist or are in process of construction
    - The bar structures in these floor plans and the dispensing, storage and display would be grandfathered
    - Glass wall/partition not required
    - No minors permitted to sit or consume food/beverage at the bar structure but allowed at a counter
    - Grandfather those under construction on 5/12/09 and licensed by 12/31/09
    - Credit up to \$30K for two years provided for any licensee to convert to floor plan where dispensing and storage are not visible
  - All other:
    - Has a structural barrier so that facilities for dispensing and storage are not readily visible to or accessible by restaurant patrons and apart from dining area
    - Minors may be permitted to sit at counter because no alcohol storage or dispensing occurs there

- Future construction of restaurants must be this type

### Dramshop insurance and liability limits increased

- for all liquor licensees increased from \$500K per individual and \$1M per occurrence to \$1M per individual and \$2M per occurrence

### Generates revenue

- for remodeling and enforcement training by removing state stamp on alcohol packages and permitting alcohol sales at state stores and package agencies on election days

### Additional Elements in SB 187

- New Resort License permitting a master license and sublicenses
- In response to Due South case:
  - Modifies “intoxication” definition as used in the Alcohol Beverage Control Act and includes a training requirement for law enforcement officers
  - Clarifies application of provisions to civil and criminal actions for violations of the Act
- Study by DABC of penalties for violations related to minors
- Requires Convention Center on-premise banquet licensee to have at least 30,000 square feet
  - Grandfathers for two years those having less than 30,000 square feet
- Permits waiver of proximity requirements for certain restaurants that later undergo change of ownership

### HB 376 Revisions to Alcoholic Beverage Control (Rep. Hughes)

- In response to Due South case
  - Modifies “intoxication” definition as used in the Alcohol Beverage Control Act and includes a training requirement for law enforcement officers
  - Clarifies application of provisions to civil and criminal actions for violations of the Act

### HB 151S01 Motor Vehicle Forfeiture Amendments (Rep. Herrod)

- Modifies the Motor Vehicles Code by amending provisions relating to motor vehicle forfeiture for violating certain driving under the influence provisions.
  - Provides that a motor vehicle is subject to criminal or civil forfeiture upon a finding by the court that:
    - the motor vehicle was used in a violation of certain driving under the influence provisions;

- the operator of the vehicle has previously been convicted of a felony driving
  - under the influence violation or automobile homicide; and
- the operator of the motor vehicle was driving on a denied, suspended, revoked, or disqualified license and the denial, suspension, revocation, or disqualification was imposed because of a violation of certain driving under the influence provisions.

### Sen. Jenkins's Driver License Sanction Amendments

- This bill increases the driver license suspension periods for a driving under the influence violation for a person 21 years of age or older on the date of arrest:
  - from a period of 90 days to one year who has violated the driving under the influence provisions for the first time and for a violation that was committed on or after July 1, 2009;
  - from a period of one year to two years for a person who has violated certain driving under the influence or alcohol related offenses two or more times and the current violation is committed on or after July 1, 2009; and
  - from a period of 24 months to for a period of 36 months, whichever is longer, for a person who refuses to submit to a chemical test and who has a previous license sanction for certain alcohol related offenses and the refusal occurs on or after July 1, 2009.
- This bill increases the driver license suspension periods for a driving under the influence violation, a violation of driving within any measurable amount of alcohol in the person's system, a refusal to submit to a chemical test, a violation of the unlawful purchase, possession, or consumption by minors for a person, unlawful admittance to a tavern or social club by a person under 21 years of age on date of arrest:
  - from a period of 90 days to until the person is 21 years of age or for a period of one year, whichever is longer, for a person who has violated certain driving under the influence or alcohol related offenses for the first time and for a violation that was committed on or after July 1, 2009;
  - from a period of 90 days to until the person is 21 years of age or for a period of two years, whichever is longer, for a person under 21 years of age on the date of arrest who has violated certain driving under the influence or alcohol related offenses two or more times and if the current violation was committed on or after July 1, 2009; and
  - from a period of 18 months to until the person is 21 years of age or for a period of 18 months, whichever is longer, for a person who refuses to submit to a chemical test the refusal occurs on or after July 1, 2009; or
  - from a period of 24 months to until the person is 21 years of age or for a period of 36 months, whichever is longer, for a person who refuses to submit to a chemical test and who has a previous license sanction for certain alcohol related offenses and the refusal occurs on or after July 1, 2009.